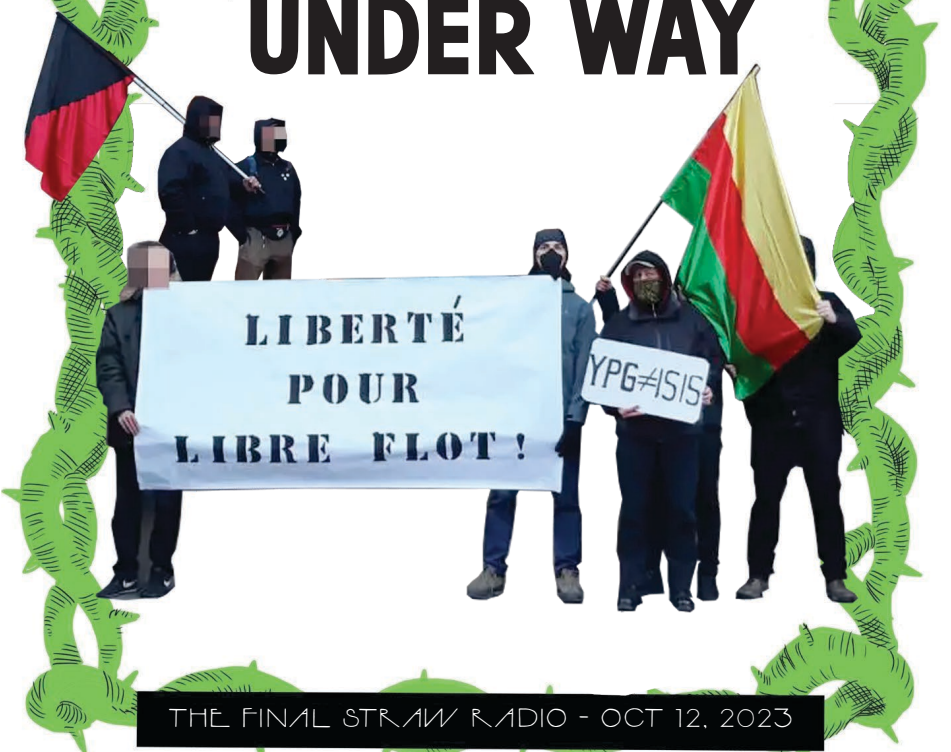


in support of the  
accused from 8-12-2020  
charged by french state of «ultraleft terrorism»

# DECEMBER 8TH AFFAIR TRIAL IN FRANCE IS UNDER WAY



THE FINAL STRAW RADIO - OCT 12, 2023

This mid-week release features the words of anarchists involved in or doing support for the December 8th Affair in France, in which 9 people were arrested at the end of 2020, following Movement for Black Lives protests took place around the world to challenge police impunity and racism. The French state is asserting, based on some pretty flimsy arguments, that 7 radical and anarchist folks were a part of a conspiracy to engage in terrorism based on their common connection to an activist recently returned from the supporting the YPG's fight against Daesh or ISIS in Rojava. This activist goes by the name Libre Flot, or Free Flow, and he shares some words here as well.

Support website:

**<https://solidaritytodecember8.wordpress.com>**

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**TFSR:** Thank you so much for joining me in this conversation. Would you introduce yourselves with any names, pseudonyms, or other information that you'd like to share about yourselves?

**Libre Flot:** Hi, everyone, you can call me Libre Flot, it will be easier. As the trial begins, I do not have a lot of time to devote. So my answer will be brief and simple.

**W:** Hi, I'm W.

**So:** And hi! You can you can call me So.

**TFSR:** Great. So we're here to speak about the trial of the folks of the December 8 Affair in France. Would you tell us about the period around December 8 2020, when the initial arrests were made, and what was known at that time about the States intentions.

**LF:** It was not long after the Black Lives Matters movement, and many people questioned the purpose of the police and the way it works. In recent memory in France, it was the first time that there were such a craze on the issue of the abolishing the police. It was also during a period when the state was trying to pass its "Global Security" law, strengthening the power, rights and weaponry of the cops, while diminishing the means of the right to defend ourselves from the abuse.

A case of so-called leftist terrorism was manufactured by the police in a timely way to restore the reputation of the cops, thwart leftist movement and to criminalize the protest movements while destabilizing the movement by means of state terror.

**S:** And also, in this context of the global security law the police arrested an Islamist men on October 13th and a man of the extreme right on December 17th to complete the range of enemies of the Republic, to show that their anti-extremism isn't partisan one way or another.

**TFSR:** Can you tell me who's part of this case? What are they being accused of the case of December 8th, and how are the accused connected to each other.

**LF:** In this case, as the intelligence services had pointed out in the media more than

a year earlier, the aim was also to criminalize internationalist fighters who left for Rojava. The case is therefore centered on me and friends that I met during the official monitoring period. A White Note, that is to say an unsigned intelligence service document, with information of unknown origins, demanded the start of an investigation. The intelligence investigation focused on me because I participated, in my small scale, within the units of protection of the people (YPG) in the fight against ISIS terrorists and for the protection of the revolution in the north and east of Syria, working for the liberation of women, for a democratic society open to all ethnic groups and religions and for the protection of nature.

In order to nab the terrorist organization designed and desired by the DGSI (Direction Générale de Sécurité Interieure), it was necessary to manufacture a group membership. So these are some of my friends who had the misfortune of being documented saying anti-cops words (often while drunk), to make dubious jokes, to make firecrackers or to play airsoft. They are not only friends but also the relatives of my friends. Many of them do not know each other but what binds them is to have once been in my presence.

**TFSR: The French state is trying to build a case of conspiracy against the accused. As you say, many of them are just friends of yours or relatives of theirs. What evidence do they have to provide in order to prove such a thing?**

**LF:** Pfff! Then, it becomes confusing! Moreover, I admit that I did not take enough time to look at the subject of anti-terrorism. Nevertheless, we can briefly explain the trick like this: In France, anti-terrorist ‘justice’ is an exceptional ‘justice’. The “normal”/Common law no longer applies. Even the definition of the Terrorist Criminal Association is incomprehensible, it means everything and nothing. In addition, in practice, a presumption of guilt is often imposed. Basically, it’s up to the accused to prove that the accusers delusions are false. Sometimes we end up with things as abhorrent as: “You were abroad on such and such a date, we do not know or we cannot prove what you did there, but we think that maybe you could have done this or that, so if you do not have the means to prove the contrary, we feel that this is what happened”. Now, I’m doing a bit of a shortcut, but that’s the idea. Often we can’t ‘prove’ what we were doing because there was nothing extraordinary, so we don’t remember. Or we don’t have evidence that we did anything special. It’s just the DGSI and/or the PNAT (Parquet National Anti-Terroriste) invents a story without proof and it would be up to us to bring evidence that this is not true.

**S:** In fact, the AMT (Terrorist Criminal Association) that the arrested person is accused of doesn't require the demonstration of knowledge of an aim to an accused conspiracy, or the number of people accused of participation in said conspiracy or their identities. In fact, there is no need for the state to prove anything, you can be accused of AMT with no evidence. The state thinks you are a terrorist, so you become this thing in the eyes of the court. On this, the police are able to spy on people, to follow them around. It's a shitty accusation, it can be used for anything.

This category of AMT, or terrorist criminal association, was created in 1996 and the aim was to punish the preparation of acts before they are carried out and to open judicial investigations in a preventive way by integrating elements of information (the famous "white notes"). From 2016 all individuals who visited the "zone", places like Iraq and Syria, and who joined a terrorist organization (here we are referring specifically to DAESH) are considered under the jurisdiction of an AMT. Judges are therefore required to assess the potential dangerousness of the accused and to analyze their radicalization processes in order to prevent a potential, terroristic action. They must therefore make a prediction about future actions from a profile.

The thing Libre Flot said before about how you're expected to prove you didn't do something against an accusation, elicits a response from authorities of the example of taqiyya for Islamic people ("concealment" in Arabic), in which an Islamist might mask one's commitment in order to avoid persecution. So, if there's no physical evidence of the accused engaging an illegal activity, the state still considers them as guilty.

**TFSR: So, the state makes the assumption and argument based on their own personal evidence that this person or that group is a threat and it's up to the group to say "this is not true" and prove beyond a reasonable doubt... It doesn't sound in any way just, or fair or reasonable...**

**W:** No. If the GSI decides you did something they consider wrong, you have to prove the contrary and that's completely impossible. If you play an airsoft game, they'll say you are practicing for war or something. And if you respond "No, what the fuck, I was just playing airsoft", they'll say "no, we don't believe you, you were preparing for war!" It's just words against words, and we are just nobodies and they are the French government. They just decide who's guilty or not.

**TFSR: And then, on top of that, it's not just anyone playing airsoft, it's**

**based on the perceived ideology of those playing airsoft, right?**

**S:** yes, because of the anarchist ideas of the people accused here, the French government assumes people preparing for war. But there are 200,000 people in France playing airsoft, but they aren't terrorists somehow...

**TFSR:** [laughs] Ok... This is such a common... No surprise, but this is something that happens in Russia or in the USA or in Germany and in many other states... [laughs]

**W:** [laughs] We were hoping to not have a comparative legal system to the USA or Russia... We're sorry for you people...

**TFSR:** [laughs] Welcome to the club!

**What agencies were involved in the arrest and are seeking prosecution of the accused? And can you give a sort of list or run down of some of the legal changes of the last five years so that we can draw a bigger question into this surveillance, prosecution net, State of Emergency circumstance that you're describing?**

**LF:** The DGSI (Direction Générale de Sécurité Intérieure) is French intelligence, a kind of political police.

RAID (search, assistance, intervention, deterrence) is a special intervention unit, I imagine it is close to SWAT (sorry I do not really know the US police units).

The GAO (Operational Support Group), a special intervention unit directly under the command of DGSI.

The PNAT (Parquet National Anti-Terroriste), is the special anti-terrorist court - specialized district attorneys and judges.

**S:** So, I will try to make a brief history of the last 5 years, but I think it began much longer than 5 years ago. In 2015 after the Bataclan attacks in St-Denis, Paris, there were a lot of deaths. The council of ministers declared a State of Emergency which is supposed to last 12 days. Usually [laughs]. But then in 2016 the government put the State of Emergency in the constitution, so it's permanent. Now, there aren't a lot of restrictions on house searches, the cops can come at any time based on the decision of a magistrate (for example). Then, in 2017 there was a law of public security that aimed at strengthening the legality of police intervention, the protection of

police identities, increased sanction for acts of rebellion and for a refusal to comply with police orders. So, the legal framework was set up for the police to repress more harshly and anonymously.

The same year there was the strengthening of the SILT law, which meant to bring into Common Law a set of administrative police measures in the name of “the fight against terrorism.” That includes warrant-less searches, facilitation of house-arrests, the use of “white notes” (that’s critical to this case) and the facilitation of mass surveillance. Then in 2020, the year of the December 8th arrests, the National Assembly quickly passed the Global Security Law, which extended the possibilities of a generalized and indiscriminate surveillance of all people living in France and which again strengthened the power of the city cops by allowing them to carry their weapon in public places, or by prohibiting the sharing of pictures of cops in the course of their duties.

Then in 2021, there is the Separatism law which is a racist and Islamophobic text including the extension of the DNA file, the political control of associations by the republican engagement contract or the strengthening of the control of places of worship like mosques.

Since its promulgation this text was first used to dissolve Muslim organizations and then to repress anti-fascist, anti-racist and ecologist organizations such as GALE, Comité Palestine Vaincra, Bloc Lorrain etc.

In short, over the past 5 years the legal and police arsenal has been strengthened to crush and muzzle any social and political protest. They no longer punish individuals but opposition movements. This trial is proof of that, in fact.

**TFSR: So, just to re-clarify, it’s illegal to take pictures of cops on duty? And there’s an increase on the saving of DNA of people accused of crimes by the French government?**

**W:** Yeah, and we learned 2 days ago that the police had S-Files on 3,500 far left and ecological militants. If you have an S-File, you can be considered a threat to the security of the state. The far right only has 1,500 people with S-Files.

**S:** A crazy thing is that there are a lot of far left activists who are followed by police but leftist and ecological actions tend to be property destruction and not attacks on people, unlike those defined as far right or Islamist. But those described as Islamists who have S-Files number about 3,500, the same as the number of leftists.

**TFSR:** This may be a complicated question, but... There is a right wing talking point or phrase that I've heard brought about by racists, basically, called Islamogauche [uncomfortably laughs]. Let me know if I'm going the wrong direction, but my take is that the State is a reactionary organization. As you've said there are people on the far right that have attacked people, and there are Islamists who've attacked parts of the population. But the ecological and far left people tend not to attack people... except for antifascists fighting fascists... It's funny they'd be roped in together. I'm sure Zemmour is not like... I don't know, is there anything to say about this?

**W:** Yes, you're correct, the State is reactionary and they are more afraid of the far left and ecological activists because they have been popular movements in France. And when you get some ecological movement happening, like did in Marseille, where they came into a factory and destroyed equipment arguing "this is destroying the planet and the owner gives money to ISIS", people are influenced when they hear about this action. The government doesn't like this kind of thing because the owner who funds ISIS has friends in government, so they oppose this sort of activism.

And if I can add, Macron's government is handing over their electorate to the far right by losing the left and the center. So, in a few months there'll be a new immigration law that will be very harsh. Some say it'll be a law such as the far right would write. So, the government knows it'll lose support of the left and plan to just shift to the right in order to stay in power.

**TFSR:** Yeah, that makes sense. And thanks for responding to that. It's a terrible phrase, and I didn't want to bring it up absolutely out of context...

**W:** No problem.

**TFSR:** So, in Paris, there at least used to be an office for the Rojava administration. Is it illegal to participate in formations like the YPG or the YPJ? Or is this simply being weaponized because of the alleged politics of you, Libre Flot? Have right wing people been accused of similar things and treated the same?

**LF:** Fighting in the YPG is not illegal, OFFICIALLY, but the French intelligence services did not treat people fighting against ISIS in the same way if they were right-wing and/or military versus if they were left-wing militants. The left-wing militants



were extremely surveilled on their return and the DGSI fantasized about the threat of these leftists who had military experience and they were waiting to be able to trap one.

Moreover, for some time there has been a surreptitious attack by the state against the Kurdish movement. Already, on two occasions, Kurdish activists have been assassinated in the streets of Paris and the state is suffocating the matter through secret defense or by the depoliticization of the killings.

Otherwise, more generally in France, since the decline of the ‘radical Islamist threat’, there are also arrests of far-right militants. On the other hand, in these cases, it is always of proven organization with specific projects, specific targets and a significant arsenal.

**S:** Yeah. And so I think it’s more complex, because, in fact, after the war in the Middle East, so around 2014, Turkey found itself as a buffer state between European Union and hundreds of 100,000s of immigrants. So European governments stated that they could not accommodate all these people and made a deal with President Erdogan. The European Union sent six billions euros to the Turkish government, which in exchange Turkey committed to keep migrants within its territory. So, then Erdogan used the immigrants held in Turkey as a means of pressure as an additional financial advantage to his political advantage. In exchange, the European Union must treat the YPG as a terrorist organization. And then it became complicated for those fighting in the YPG to return to the EU without being labeled a terrorist.

So, February 28th, 2020, Turkey opened its border to the European Union via Greece, because it was missing 1.5 billion euros of the total promised. And then between 2014 and 2018 the Kurds were considered allies of the West because they were fighting ISIS. But in 2018, during a visit of Erdogan in France, Macron the President said that France was fighting against the PKK because they are a terrorist organization. And, fortunately, this coincided with the opening of the Turkish Stream Gas Pipeline linking Azerbaijan to Europe in Turkish waters. This decision was renewed by Foreign Minister LeDrian in 2020, which established a distinction between the Iraqi Peshmerga and the PKK. So, it said “Peshmerga is okay, and the PKK are terrorists.” And that coincided with the ground operations against PKK in north of Iraq. And after that, in 2021, there were 10 Kurdish people arrested in France on charges of financing terrorism and extortion in organizing in connection with a terrorist campaign. But after that, the label of terrorist was applied to all the people coming back to France after going to Rojava. Currently, in France, Kurdish people have a lot of legal pressure on them.

**W:** Concerning the matter of people accused of similar things, in 2018, a neo-nazi gendarme was arrested... You understand what a gendarme is?

**TFSR: You're saying there was a neo-nazi, a police officer?**

**W:** Yes, gendarmes and police are not the same, but you can say police officer, it's okay.

**S:** In 2018, a neonazi gendarme was arrested at home. He had ingredients for explosives and weapons including two Kalashnikovs, which he legally owned. He was chatting with a 17 year old man on private online forums and they had target practice in the forest. It was a first trial in the Assize courts for the paramilitarism. Assize is a high court, so it's very serious.

In 2018, 13 people were arrested on suspicion of planning to kill [President] Macron. The trial was held in 2023 in Correctional courts, it's a bit lower than the Assize court. Nine of them were released, three convicted and only one was remanded to prison, where he will stay.

In 2021, there was the case of the Organization of Social Armies, a trial of six people with the AMT in criminal court, and five appeared on their own for trial and one was still in custody at the time of trial. They each got from five to nine years of prison.

In 2023, two far-right activists were arrested in Paris on their return from Ukraine. They had magazines from assault rifles and optical sights, but no weapons. They were sentenced to 15 months in prison including 9 months with reprieve.

**TFSR: Okay, and a couple of clarification points. I looked it up and maybe a more correct description of gendarmere is like military police. Right?**

**S:** Okay, exactly. It was linked before with the Minister of the Army and the police were with the Ministry of the interior. And since [President] Sarkozy, they are part of the Ministry of Interior. So it's a little bit separated

**W:** And a difference in the training of this gendarmes, before Macron they were trained as soldiers that had a specialization for dealing with crowd control.

They are very professional cops. But it required the orders of the Defense Minister. So it was more difficult for the government to order them to react to protests or disorders. Now since they're a part of the Department of Interior Ministry,

you can see them everywhere. With a quick call from the Minister of the Interior, you can have 2,000 gendarmes arriving in two days in a place.

**TFSR: Damn. And with the Assize court, that's not a term that we use in the United States. And so just to ask, can you describe what that handles differently from other courts?**

**S:** There are three courts. The Correctional court is the little one. You can not have a sentence of more than 10 years of jail with that one. And the Assize court, it's the bigger one. So, you can have, you know, sentences of 20 or 40 years of prison with this one. And then there is another one is like Assize but specifically dealing with terrorism charges. So, in the Assize court, you have a jury of 10 people, French people. And the difference with the Assize Terrorism court is that it's 10 judges who specialize in terrorism cases who sit in judgment.

**TFSR: Yeah. And I'm imagining that the too far right activists that you mentioned, who had magazine who came back from Ukraine were affiliated with Azov battalion or something?**

**W:** So, we don't know. We didn't find out which battalions they fought with.

**TFSR: In terms of the December 8th case, can you talk about the conditions of people's confinement during this long pre-trial period? This case includes the 15 month of pre-trial solitary confinement experienced by you, Libre Flot, which ended when you went on hunger, strike. Also, there were months in solitary for other arrestees. As I understand you, Libre Flot, are still suffering the consequences of this extended period in solitary and your 36 day hunger strike.**

**LF:** So, I will try to be brief. 9 people were arrested on December 8th. At the end, 2 were released and 7 will go to trial. Of the 7, 2 live "free" under Judicial Control (CJ), like probation. The CJ rules are restrictions and obligations that must be respected under penalty of going directly to prison. They are more or less binding. The 5 to go to prison spent most of a week in segregation and were then put with the other inmates but under a special status of DPS (needing special attention) which differentiates them from the others and imposes special treatment (strip search after visiting rooms, more guards at each exit of cell, etc.). As for me, being

the main target because of my political orientation combined with my experience with the YPG, I was directly sent to isolation which is considered by human rights organizations to be what they call “White Torture.” I have already described the isolation in the texts of this time, I do not know if they were translated but I could not better define it today.

This isolation was, from the beginning, illegal and ‘ordered’ by the government. I later learned about this from the director of the prison. Generally, in France, isolation in preventive detention (prison before trial) is used to pressure the defendants, make them crack, make them accept any accusation...

So it was 4 months for 2 friends, 10 months for another and 11 months for the last of my friends.

For me it was 16 months in all, including 36 days on hunger strike. Hunger strike that was almost fatal. The consequences of the hunger strike seem to be finally resolved. On the other hand, as for isolation, there are still some slight physical and psychological consequences, regardless of the order of socialization, affectivity, fear, etc... (I described them in a text of March 30, 2023)

**TFSR: Yeah, and I’ll find these texts and link them in the show notes alongside of this so that people listening can find that. Thank you.**

**What do you think will be potential impacts moving forward for other leftist ecological are oppositional social justice oriented, egalitarian movements in France if the December 8th case is allowed to go the way that the French prosecutors want it to go?**

**LF:** For some time now in France, civil dissidents or civil disobedience have been labeled ‘terrorists’ by the government. And this pattern is growing. The State keeps wanting to dissolve protest groups or organizations. If the State were today to convict people who do not know each other, who are therefore not a group or an organization, and who have never had a project as a ‘terrorist organization’ on the basis of jokes. It would be a dangerous precedent if words were spoken during drunken evenings and some minor legal infractions were admissible. This would therefore make it possible to imprison and condemn any opponent on the basis of simple police story without evidence whereas at present group dissolutions are generally refused in the council of state.

**S:** The thing is that if this case goes really bad, the danger is that the terrorist label can be put on all the activists in France, specially left activists. But you should know

that there is already a crazy repression in France. Like, for example, after a demonstration, in Sainte-Soline in March of 2023, there were six people arrested and two people were summoned to court. Nine people had court on September 8th, postponed on November 28th because took too long to judge. On July 28th, there was a trial of four people for participating in the Sainte-Soline demonstration. Among them. one has been in pretrial detention for a month or so accused, of concealment of theft for having picked up the jacket of a cop and of degradation for having tagged a cop car. So, the court followed the prosecutorial request and sentenced him to one year in jail, which could be converted into house arrest with an electronic bracelet. But, still, one year for this! And this activist is forbidden to return to the location of the demonstration, also forbidden to carry a weapon for three years.

Two other activists were also sentenced to two months in jail for the possession of stolen property, and a third was condemned to four months of suspended sentence with other obligations, including having to return to the same place for three years, disallowed from carrying a weapon for five years, convicted of participation in a group in order to prepare violence. And you should understand that all of that was for demonstration where the cops injured 200 people including ten who were hospitalized and three of them sent to the emergency ward. One woman remained in a coma for a month and continues to have after effects of the trauma.

And also I want to speak about the recent riots in France. In end of June there was Nahel, a teenager killed by a cop and there were riots across France from June 27th to July 5th, 2023. According to an interim assessment as of August 1, 2023, more than 4,000 people, including a third of minors under 18 years old, were arrested. Of these, 2,107 were tried and 94% were convicted. Of those convicted, 1,239 were sentenced to a prison term of 8.9 months on average. There were also 2 deaths of those in the streets. At the beginning of July, Macron talked about new sanctions to financially punish families, in the idea that “parents are guilty if children do stupid things”. And after that, the Digital Services Law entered into force in the European Union on August 25. So, social networks must no longer promote “fake news”, dangerous speech, hate or call for violence via their algorithms. This is connected because social media played an important role in the riots, there were plenty of video posts by the rioters. Moreover, the government banned platforms from posting these video after a few days.

And so there is ecologists activists...

**TFSR: Okay, wait, like Uprisings of the Earth, the group that was in that had helped organize in Sainte-Soline?**

**S:** Those activities had a lot of arrests and repression. The police took a lot of computers and devices from their homes. And they are also being taken to court. They also have a big, big repression. So, yeah, there has been heavy repression for a few years now. But if this case so the December 8th case is able to apply the label of terrorist, then that accusation will more frequently be applied to activists.

**TFSR:** **How can listeners in the audience support the legal defense? As this case comes to trial? What can be expected at the trial? Can you name the dates of when the trial is happening? And how can listeners support from abroad?**

**W:** Trial is happening from October 3rd until October 27th.

**LF:** I think it may be wise to let the French State knows that the world is watching, that France will not be able to do its little tricks in its private corner. Gathering in front of embassies and consulates can be one way. After that, I'm not here to tell people what they should do, but everyone should do what they think is wise.

There is also, and this isn't fun to talk about, the financial side. These lawyers cost money, and there are logistical needs for support committees to consider, etc.

**S:** Yeah, speaking of money, there is a link on the support website. And I think that rallies in front of Embassies is a great idea. Generally, any events to get attention to the issue is great.

**W:** And thank you to everyone just for listening our story.

**TFSR:** **Thank you for having this conversation. And I'm happy to put links to that in the show notes and re announced them as well. And thank you for having the conversation in English. I really appreciate the amount of work that goes into it as a second language.**

**S:** Thanks to you!

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